IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

ASD SPECIALTY HEALTHCARE, INC., d/b/a ONCOLOGY SUPPLY COMPANY 2801 Horace Shepard Drive Dothan, AL 36303,

CIVIL ACTION

Plaintiff,

ν.

NO. 1:05cv0591

ONCOLOGY & HEMATOLOGY CENTERS OF: ATLANTA, P.C. 465 Winn Way, Suite 231 Decatur, GA 30030,

and

LLOYD G. GEDDES 1325 Scott Boulevard Decatur, GA 30030,

Defendants.

REPORT OF PARTIES PLANNING MEETING

- 1. No meeting was held pursuant to FED. R. CIV. P. 26(f) despite attempts by Plaintiff to conduct such a meeting. Plaintiff has endeavored to conduct a party planning meeting and Counsel for Plaintiff mailed a proposed Report of Parties' Planning Meeting to Defendant Lloyd G. Geddes, M.D., on December 19, 2005. Despite Plaintiff's efforts, Defendant has not communicated with Plaintiff concerning the proposed Report. As such, Plaintiff proposes the following plan which is substantially the same plan mailed to Defendant Geddes on December 19, 2005.
- Pre-Discovery Disclosures. The parties will exchange the information required by Federal Rule of Civil Procedure 26(a)(1) on or before January 13, 2006.

- 3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:
 - Discovery will be needed on: (a) All claims by Plaintiffs and all defenses by Defendants.
 - (b) All Discovery commenced in time to be completed by March 31, 2006.
 - (c) Maximum of $\underline{40}$ interrogatories by each party to any other party. Responses due 30 days after service.
 - (d) Maximum of **40** requests for production by each party to any other party. Responses due 30 days after service.
 - (e) Maximum of **20** requests for admission by each party to any other party. Responses due 30 days after service.
 - (f) Each party shall be allowed to take a maximum of $\underline{5}$ depositions.
 - Reports from retained experts under Rule 26(a)(2) due: (g) from Plaintiff by January 15, 2006. from Defendant by February 15, 2006.
- (h) Supplementations under Rule 26(e) due no later than 30 days before the close of discovery.

4. **OTHER ITEMS**

- (a) The parties do not request a conference with the court before entry of the scheduling order.
 - (b) The parties request a pretrial conference in July 2006.
 - All potentially dispositive motions should be filed by April 14, 2006. (c)

- (d) Settlement discussions have broken down. Dr. Geddes, who was making monthly payments of \$20,000, has stopped making any payments.
- In the event a settlement is not reached, the case should be ready for trial (e) by August 1, 2006, and at this time is expected to take approximately one (1) day.

Respectfully submitted: January 5, 2006.

BURR & FORMAN, LLP

By: /s/ Heath A. Fite_ James J. Robinson (ROB013) Heath A. Fite (FIT011) 3100 Wachovia Tower 420 North 20th Street Birmingham, AL 35203

and

Morton R. Branzburg, Esquire Klehr, Harrison, Harvey, Branzburg & Ellers 260 S. Broad Street Philadelphia, PA 19102 215-569-3007 Of Counsel

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January, 2006, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all properly registered parties. I hereby certify that on the 5th day of January, 2006, I served the following by directing the same to their office addresses through first-class, United States mail, postage prepaid:

> Raquel Gayle, Registered Agent for OHCA Powell Goldstein 1201 West Peachtree Street 14th Floor Atlanta, GA 30309

Lloyd G. Geddes, Jr. MD Oncology Hematology Centers of Atlanta, P.C. 465 Winn Way, Suite 231 Decatur, Georgia 30030

/s/ Heath A. Fite

Of Counsel